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Attorneys for Defendant  
RENE BERLINGER

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

JAMMIN' JAVA CORP., dba MARLEY  
COFFEE, SHANE G. WHITTLE,  
WAYNE S. P. WEAVER, MICHAEL K.  
SUN, RENE BERLINGER, STEPHEN  
B. WHEATLEY, KEVIN P. MILLER,  
MOHAMMED A. ALBARWANI,  
ALEXANDER J. HUNTER, and  
THOMAS E. HUNTER,

Defendants.

Case No.: 2:15-cv-08921 SVW  
(MRWx)

**DEFENDANT RENE  
BERLINGER'S INITIAL  
DISCLOSURES PURSUANT TO  
FEDERAL RULE OF CIVIL  
PROCEDURE 26(a)(1)**

Action Filed: November 17, 2015  
Trial Date: October 25, 2016

1 Pursuant to Federal Rule of Civil Procedure 26(a)(1), defendant Rene  
2 Berlinger (“Defendant”), through his undersigned counsel, makes the following  
3 initial disclosures to the plaintiff in the above-referenced lawsuit. These disclosures  
4 are based on information presently known and reasonably available to him and  
5 which he reasonably believes he may use in support of his defenses. Continuing  
6 investigation and discovery may cause Defendant to amend these initial  
7 disclosures, including by identifying other potential witnesses, documents and by  
8 disclosing other pertinent information. Defendant therefore reserves the right to  
9 supplement these initial disclosures.

10 By providing these initial disclosures, Defendant does not represent that he  
11 is identifying every document, tangible thing or witness possibly relevant to this  
12 action. In addition, these disclosures are made without Defendant in any way  
13 waiving his right to object to any discovery request or proceeding involving or  
14 relating to the subject matter of these disclosures on any grounds, including  
15 competency, privilege, relevancy and materiality, hearsay, undue burden,  
16 confidentiality, or any other appropriate grounds. Furthermore, these disclosures  
17 are not an admission by Defendant regarding any matter.

18 During the course of discovery, the identities of additional individuals with  
19 knowledge of discoverable information may become known. Defendant reserves  
20 the right to supplement or amend these disclosures as additional information  
21 becomes available. Defendant also reserves the right to rely on information that  
22 becomes available through discovery, including information that is discovered  
23 from the Plaintiff and other Defendants.

24 Each and every disclosure set forth below is subject to the above  
25 qualifications and limitations.  
26  
27  
28

**A. Rule 26(a)(1)(A)(i): Individuals Likely to Have Discoverable Information**

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(i), Defendant states that based on the information reasonably available at this time the following individuals, in addition to himself, are likely to have discoverable factual information that Defendant may use to support his defenses are:

1. Shane G. Whittle: Former CEO of Jammin' Java Corp.  
Morgan Lewis and Bockius LLP  
The Water Garden  
1600 Cloverfield Boulevard, Suite 2050 North  
Santa Monica, CA 90404  
(310) 255-9025
2. Victor Gallus: Former Board Member of Volante Advisory AG  
Am Schanzengraben 27  
8002 Zürich, Switzerland  
+41 44 210 14 10
3. Daniel Lacher: Banker at VP Bank Zurich  
Bahnhofstrasse 3  
8001 Zürich, Switzerland  
+41 44 226 24 24
4. Wayne S. P. Weaver: Beneficial Owner of Calgon Invest S.A.  
Jaggeree House, Cliffdweller  
St. Thomas, Nevis  
(869) 661-1432
5. Michael Sun: Beneficial Owner of Westpark Limited  
c/o Venable LLP  
Rockefeller Center  
1270 Avenue of the Americas, 24th Floor  
New York, New York, 10020  
(212) 307-5500
6. Stephen B. Wheatley: Beneficial owner of Petersham  
c/o Roger L. Fidler, Esq.  
185 Newport Road  
Monroe Township, NJ 08831  
(201) 220-8734

- 1       7. Kevin Miller: Beneficial Owner of Las Colinas  
2       Caldwell, Leslie and Proctor PC  
3       725 South Figueroa Street 31st Floor  
4       Los Angeles, California 90017  
5       (213) 629-9040
- 6       8. Mohammed A. Al-Barwani: Beneficial Owner of Renavial  
7       c/o Venable LLP  
8       Rockefeller Center  
9       1270 Avenue of the Americas, 24th Floor  
10       New York, New York  
11       (212) 307-5500
- 12       9. Alexander J. Hunter: Business Associate of Wayne Weaver  
13       c/o Kobre & Kim  
14       1919 M Street, NW  
15       Washington, DC 20036  
16       (202) 664-1903
- 17       10. Thomas Hunter: Business Associate of Wayne Weaver  
18       c/o Kobre & Kim  
19       1919 M Street, NW  
20       Washington, DC 20036  
21       (202) 664-1903
- 22       11. Enzo Caputo: Berlinger's lawyer in Switzerland  
23       Talstrasse 20,  
24       8001 Zürich, Switzerland  
25       +41 44 212 44 04  
26       Mr. Caputo may have knowledge and information concerning Mr. Berlinger  
27       not being a necessary participant or substantial factor in any of the alleged  
28       securities transactions; however, his authority to disclose such will be limited by  
      the attorney-client privilege.
12. Volante Advisory AG  
      Am Schanzengraben 27  
      8002 Zürich, Switzerland  
      +41 44 210 14 10

- 1 13. Admitta Nominees Ltd.  
2 Ajeltake Road  
3 MH96960 Majuro  
4 Marshall Islands
- 5 14. Westpark Limited  
6 Ajeltake Road  
7 MH96960 Majuro  
8 Marshall Islands
- 9 15. Calgon Invest S.A.  
10 Ajeltake Road  
11 MH96960 Majuro  
12 Marshall Islands
- 13 16. Renavial Ltd.  
14 Ajeltake Road  
15 MH96960 Majuro  
16 Marshall Islands
- 17 17. Las Colinas Ltd.  
18 Ajeltake Road  
19 MH96960 Majuro  
20 Marshall Islands
- 21 18. Chilli Capital Ltd.  
22 Ajeltake Road  
23 MH96960 Majuro  
24 Marshall Islands
- 25 19. VP Bank Zurich  
26 Bahnhofstrasse 3  
27 8001 Zürich, Switzerland  
28 +41 44 226 24 24
20. ACM Services GMBH  
Alte Greifenseestrasse 16  
Volketswil, Switzerland  
+41 76 380 54 66
21. Bank Muscat  
Building No 120/4, Block No. 311  
Airport Heights - Seeb, Street No. 62 P.O.  
Box No.134 Postal Code 112, Ruwi  
Sultanate of Oman  
+96 82 479 55 55

- 1 22. Bateman Financial
- 2 One Capital Place, 3rd Floor
- 3 Shedden Rd.
- 4 P.O. Box 792
- 5 George Town
- 6 Grand Cayman KY1-1303, Cayman Islands
- 7
- 8
- 9 23. CBH Compagnie Bancaire Helvétique SA
- 10 Boulevard Emile-Jaques-Dalcroze 7
- 11 P.O. Box 3754
- 12 1211 Geneva 3
- 13 +41 22 839 01 00
- 14
- 15 24. Gutenberg Group AG and EH&P Investments AG
- 16 Gutenbergstrasse 10
- 17 P.O. Box
- 18 CH-8027 Zurich
- 19 +41 43 311 26 62
- 20
- 21 25. Empire Stock Transfer
- 22 1859 Whitney Mesa Dr.
- 23 Henderson, NV 89014
- 24 (702) 818-5898
- 25
- 26 26. Grivo A.G.
- 27 Kohlhalden 19
- 28 9042 Speicher, Switzerland
- +41 44 201 09 09
- 27
- 28 27. Island Stock Transfer
- Roosevelt Blvd,
- Suite 301
- Clearwater, FL 33760
- (727) 289-0010
- 22
- 23 28. Legacy Global Markets S.A.
- 24 Belize
- 25
- 26 29. Vermont Capital S.A.
- 27 Aquilino de la Guardia Ave., 0823-03017
- 28 Panamá
- +507 204-7900
- 27
- 28 30. Donnolis Invest Corp
- Mmg Tower, Avenida Paseo Del Mar,
- Panama

1 31.Ziraat Bankasi

2 Maslak Mh. Eski Büyükdere Cd. 34398

3 Şişli İstanbul, Turkey

4 +90 312 584 2000

5 32.Emirate Islamic Bank

6 Deira, Dubai Festival City, Festival Tower, Floor 13

7 P.O. Box: 6564

8 Dubai, United Arab Emirates

9 + 971 (4) 228 7474

10 **Other Witnesses**

11 33.All persons and entities identified in the Rule 26(a)(1) disclosures of any  
12 other Defendants in this action.

13 34.All persons and entities identified in the Plaintiff's and Defendants'  
14 discovery requests or responses served in this action.

15 35.Any witness needed to authenticate or lay the foundation for a document, or  
16 to establish the chain of custody.

17 **B. Rule 26(a)(1)(A)(ii): Documents Defendant Berlinger May Use to**  
18 **Support His Defenses**

19 Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(ii), and based upon  
20 information reasonably available at this time, Defendant identifies the following  
21 categories of documents within his possession, custody, or control that he may use  
22 to support his defenses. Documents protected by attorney-client privilege or the  
23 attorney work-product doctrine are not identified, categorized, or included herein.  
24 Such documents may be exempt from discovery pursuant to Federal Rule 26(b)(3),  
25 26(b)(4)(B), the attorney-client privilege, the attorney work-product doctrine  
26 and/or other applicable exemption or protection from disclosure.

27 To the extent that any documents disclosed below include confidential  
28 information, Defendant reserves the right to produce such documents subject to the

entry of an appropriate order by the Court. By making these disclosures, Defendant does not waive any objections that he has or may have to the production or admissibility of documents. Moreover, by making these disclosures, Defendant does not waive any objections that he has or may have to producing these documents.

Defendant presently believes that all non-privileged and non-work product discoverable documents, electronically stored information, and tangible things within his possession, custody, or control that Defendant may use to support his defenses, include, but are not limited to:

1. Documents and communications concerning the registration, purchase, sale or title to securities;

2. Documents and communications concerning the formation of entities;

3. Documents and communications concerning the formation and use of bank or brokerage accounts;

4. Documents and communications concerning Defendant Berlinger's dealings with parties;

5. Documents and communications produced by any party to this litigation.

Defendant reserves the right to supplement this response as additional information is obtained during discovery in this matter.

**C. Rule 26(a)(1)(A)(iii): Damages**

Defendant does not seek damages in this action.

**D. Rule 26(a)(1)(A)(iv): Insurance**

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(iv), and based upon information reasonably available at the time, Defendant states that he is not aware of any insurance agreement under which an insurance business may be liable to

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1 satisfy all or part of a possible judgment in the action or to indemnify or reimburse  
2 Defendant for payments made to satisfy the judgment.

3  
4 DATED: June 13, 2016

Respectfully submitted,

5 LAMB & KAWAKAMI LLP  
6 SHANE W. TSENG  
7 MICHAEL L. LAVETTER

8 BUTZEL LONG, PC  
9 ANDREW M. FRIEDMAN  
10 THOMAS E. PATTON

11 SALTZMAN & EVINCH, PLLC  
12 DAVID SALTZMAN

13 By: \_\_\_\_\_ /s/  
14 Shane W. Tseng  
15 Attorneys for Defendant  
16 Rene Berlinger

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on June 13, 2016, a true and correct copy of the foregoing  
DEFENDANT RENE BERLINGER'S INITIAL DISCLOSURES PURSUANT  
TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1) was served on counsels of  
record in this matter via email at the addresses registered with this Court's ECF filing system.

Dated: June 13, 2016

/s/ Grace A. Gonzales  
Grace A. Gonzales